

**TWENTY-FOURTH DAY.**

Senate Chamber  
Austin, Texas,

Monday, February 16, 1931.

The Senate met 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

Hardin.	Pollard.
Hopkins	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodul.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Martin:

S. B. No. 381, A bill to be entitled "An Act to amend Article 996 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 382, A bill to be entitled "An Act to amend Article 6228 of Title 109 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Read and referred to the Committee on Counties and County Boundaries.

By Senator Woodul:

S. B. No. 383, A bill to be entitled "An Act providing for the adoption of minors, establishing legal relations between the children and adopted parents and repealing Title 3 of the Revised Civil Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 384, A bill to be entitled "An Act regulating the filing and recording of maps and plats of subdivisions and resubdivisions of real estate and conveyances of a subdivision or part thereof without duly authorized map thereof on record, and prescribing penalties for the violation thereof, and declaring an emergency."

Read and referred to the Committee on Counties and County Boundaries.

By Senator Woodul:

S. B. No. 385, A bill to be entitled "An Act to amend Article No. 6626 of the Revised Statutes of Texas 1925 so as to provide the prerequisites for filing and recording maps and plats subdividing or re-subdividing real estate, and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

By Senator Woodul:

S. B. No. 386, A bill to be entitled "An Act relating to courses of instruction in the history of Texas in the higher grades of the Public Schools of this State, and requiring all higher educational institutions, supported in whole or in part by public funds, to give proper credit for such work on entrance requirements to such institutions; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

By Senator Woodul:

S. B. No. 387, A bill to be entitled "An Act amending Article 6869 by adding thereto another Section to be known as Article 6869-A, authorizing the sheriff, with the consent of the Commissioners' Court, to employ not to exceed three (3) deputies in Counties of three hundred forty thousand (340,000), population or over,

according to the 1930 Federal Census for the purpose of enforcing the Dean Law, and other Prohibition laws; prescribing the means and manner thereof; fixing the compensation and manner of payment; and declaring an emergency."

Read and referred to the Committee on Counties and County Boundaries.

By Senator Gainer:

S. B. No. 388, A bill to be entitled "An Act to amend Subdivision 1 of Article 1817 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Parrish:

S. B. No. 389, A bill to be entitled "An Act providing a more efficient road law for Dickens County, Texas, authorizing the Commissioners' Court to refund that part of the principal and interest of its County wide road bonds which will mature in March and April, 1931 by the issuance of refunding bonds in said amount, bearing interest at the same, or at a lower rate than the interest of said original bonds, providing for their maturities, for the levy of a tax in payment thereof, making this Act cumulative of all other laws applicable to said County in harmony with the provisions hereof, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

By Senator Patton:

S. B. No. 390, A bill to be entitled "An Act to validate the incorporation of the City of Groveton, and to declare valid all Acts pertaining to the incorporation of said City, and to declare valid and binding each and every of the official Acts of the Mayor and Aldermen sitting as a City Council since the incorporation of said City of Groveton, and to ratify, approve, confirm and declare enforceable all levies and assessments and ad valorem taxes heretofore made by the governing body of said City of Groveton, not in excess of the limit provided by law, and the equalization of the taxable property situated in said City of Groveton by boards of equalization acting

for said City of Groveton, and to ratify, approve, confirm and declare enforceable all bonds and warrants heretofore issued by said governing body of said City of Groveton, not in excess of the Constitution and Statutory limit, and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

#### Senators Excused.

The following Senators were excused for the day:

Senator Hardin, illness, on motion of Senator Small.

Senator Pollard, important business, on motion of Senator Woodul.

Senator Hopkins, important business, on motion of Senator Martin.

#### S. B. No. 124 Re-referred.

On motion of Senator Moore, S. B. No. 124 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Finance.

#### Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.

Austin Texas, Feb. 16, 1931.

Hon. Edgar Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 18, Relative to a tariff on the importation of jute, etc.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 111 and requests the appointment of a conference committee to adjust the differences between the two Houses. The

following are appointed on the part of the House:

BURNS of Walker,  
LASSETER.  
ADKINS,  
JONES of Shelby,  
ADAMS.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 16, 1931.

Hon. Edgar Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. B. No. 75, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1931, and declaring an emergency."

S. C. R. No. 11, Urging economy in State affairs.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 16, 1931.

Hon. Edgar Witt, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 9, Relative to the establishment of a National Park in Texas.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 16, 1931.

Hon. Edgar Witt, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee on S. B. No. 6. The following are appointed on the part of the House:

GRAVES,  
McGREGOR,  
JOHNSON of Dimmitt,  
PETSCH,  
YOUNG.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### Simple Resolution No. 46.

Senator Neal sent up the following resolution:

Be It Resolved, That Senator Grady Woodruff of Wise County, be added to the Committee on Educational Affairs.

NEAL.

Read and adopted.

#### Senate Bill No. 53.

The Chair laid before the Senate on third reading the following bill:

By Senator Woodward:

S. B. No. 53, A bill to be entitled "An Act authorizing defendants in felony cases less than capital offenses, upon entering a plea of guilty and with the consent and approval of the court and the State's attorney, to waive the right of a trial by a jury and to be tried by the court; amending Articles 11, 12 and 685 of the Code of Criminal Procedure of the State of Texas so as to make them conform to such right, enacting an article to be known as Article 776a Code of Criminal Procedure, so as to permit the court under certain conditions and in certain cases to suspend the sentence of the defendant, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read third time and finally passed by the following vote:

#### Yeas—14.

Beck.	Rawlings.
Berkeley.	Small.
Greer.	Stevenson.
Hornsby.	Thomason.
Moore.	Williamson.
Poage.	Woodruff.
Purl.	Woodul.

#### Nays—12.

Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Parr.
Holbrook.	Parrish.
Loy.	Patton.
Martin.	Russek.

#### Absent—Excused.

Cousins.	Pollard.
Hardin.	

#### PAIRS RECORDED.

Senator Woodward (present), who would vote aye with Senator Hopkins (absent), who would vote nay.

**Senate Bill No. 54.**

On motion of Senator Woodward the Senate voted to suspend the constitutional rule relating to the passage of general bills during the first 60 days by the following vote:

**Yeas—27.**

Beck.	<b>Parrish.</b>
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Hornsby.	<b>Stevenson.</b>
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	<b>Woodward.</b>
Parr.	

**Absent—Excused.**

Berkeley.	Hopkins.
Hardin.	Pollard.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 54, A bill to be entitled "An Act amending Articles 921 and 922 of the Code of Criminal Procedure of the State of Texas, relating to the method of determining the issue of insanity after a defendant has been convicted of crime, and declaring an emergency."

The committee report carrying amendment was adopted.

Senator DeBerry sent up the following amendment:

Amend Committee Amendment No. 1 to S. B. No. 54, as adopted, by adding after the word "Texas"—the following words, "or the affidavit of the prison physician or warden of the penal institution wherein the defendant is in prison."

DeBERRY.

Read and adopted.

The bill was read second time and passed to engrossment.

The motion of Senator Woodward to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

**Yeas—23.**

Berkeley.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Hornsby.	<b>Stevenson.</b>
Loy.	Thomason.
Moore.	<b>Williamson.</b>
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	<b>Woodward.</b>
<b>Parrish.</b>	

**Nays—2.**

Martin.	<b>Patton.</b>
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**Absent.**

Beck.	Cunningham.
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**Absent—Excused.**

Cousins.	Hopkins.
Hardin.	Pollard.

(25 votes required.)

**Point of Order.**

Senator Williamson raised the point of order that it was not necessary to secure a four-fifths vote of the members to suspend this rule, but only a four-fifths vote of the members present.

The Chair sustained the point of order, stating that reference to precedents and rulings in this connection supported this ruling.

**Senate Bill No. 54.**

The Chair held, under the point of order, that the constitutional rule had been suspended by the previous vote and that S. B. No. 54 was now on its third reading.

**Simple Resolution No. 47.**

Senator Rawlings sent up the following resolution:

Whereas, Robert A. Stuart, Jr., one of the Pages of the Senate, while on an errand for an employee of the Senate lost a ten dollar bill belonging to said employee, and

Whereas, The said Robert A. Stuart, Jr., graciously and generously repaid the said ten dollars from his own personal funds, and

Whereas, The daily newspapers gave publicity to the manly conduct of said page in repaying the lost

money, and requested that the finder of the ten dollar bill return the same, and

Whereas, Mr. A. S. Depew, the finder of the money, has returned the same to the said Robert A. Stuart, Jr., now, therefore,

Be It Resolved that the Senate unanimously express its appreciation and commendation of the honesty and integrity of Mr. Depew in returning the said ten dollar bill to Robert A. Stuart, Jr., and

Be It Further Resolved that the Secretary of the Senate be instructed to forward a copy of this Resolution to Mr. Depew.

RAWLINGS.

Read and adopted.

#### Free Conference Committee Appointed.

The Chair announced the appointment of the following Free Conference Committee on the part of the Senate on S. B. No. 6:

Senators Hornsby, Poage, Moore, DeBerry and Loy.

#### Adjournment.

On motion of Senator Holbrook, the Senate at 12 o'clock noon, adjourned until 10 o'clock tomorrow morning.

### APPENDIX.

#### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 166 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 40 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 239 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 53 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, February 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 215, A bill to be entitled "An Act creating the Dallas State Hospital to be composed of the Dallas Psychopathic Hospital created by Article 3192 and the State Cancer and Pellagra Hospital created by Chapter 185, Acts of the Regular Session of the Forty-first Legislature, and such other institutions as may be created by the Legislature hereafter, and declaring an emergency."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, with attached Committee Amendment.

BERKELEY, Chairman.

#### Committee Amendment

Amend Section 1, line 6, by striking out after 1929 the following: "and such other eleemosynary institutions as may be added by the Legislature from time to time."

Committee Room,

Austin, Texas, February 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 103, A bill to be entitled "An Act for the control and prevention of malaria; prescribing the duties of the State Board of Health in reference thereto; making an appro-

priation, and declaring an emergency."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BERKELEY, Chairman.

Committee Room,  
Austin, Texas, February 13, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 265, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, February 13, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 232, A bill to be entitled "An Act to provide for making the rolls and summaries of the scholastic census of the public schools; to provide for making affidavits supporting said rolls and summaries, and prescribing a penalty for making a false affidavit; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,  
Austin, Texas, February 13, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 373, A bill to be entitled "An Act providing for a supervisor,

or supervisors in lieu of the County Teachers' Institute, repealing all laws in conflict herewith, and declaring an emergency."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 221, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be paid, and providing other things incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, Feb. 13, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 249, A bill to be entitled "An Act regulating the slaughter and sale of the meat of animals for market and providing that every person engaged in the occupation of a butcher or slaughterer of cattle in this State, shall file a bond to be approved by the county judge of the county in which he desires to carry on such business, setting out the terms of said bond and providing penalties for violation thereof; and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass,

and be not printed, for the reason that it has previously been printed.

PARR, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 361, A bill to be entitled "An Act amending Section 19 (Section 1) of Article 8306, Revised Civil Statutes of the State of Texas of 1925 relating to compensation to an employee who has been hired in this State and sustains an injury outside of the State, fixing the jurisdiction of suits filed under this section, providing that such injury shall have occurred within one year from the date of such injured employee leaves this State and that no recovery shall be had if the employee has elected to pursue his remedy and recover in the State where such injury occurred."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 359, A bill to be entitled "An Act amending Section 4 of Article 8307 of the Revised Civil Statutes of the State of Texas of 1925 relating to the administrative authority of the Industrial Accident Board, to the examination of any employee by a physician or physicians of the Board or of the Association at reasonable times and places, and authorizing the Board to subpoena witnesses, administer oaths, inquire into matters of fact, punish for contempt, examine records of parties to a proceeding and to bar persons guilty of unethical or fraudulent conduct from practicing before the Board."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 358, A bill to be entitled "An Act amending Section 8 of Article 8307 of the Revised Civil Statutes of the State of Texas of 1925 relating to acts or decisions of the Industrial Accident Board and the admission as evidence of its proceeding when duly attested and sealed."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 372, A bill to be entitled "An Act to amend Article 4736 Revised Civil Statutes of Texas, providing that attorneys fees recoverable for the prosecution and collection of unpaid losses under life and accident, health and accident and life, health and accident insurance policies shall be taxable as costs in suits filed thereon; and that in arriving at such reasonable attorney's fees, the court shall consider benefits to accrue on such policies on account of such suits and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 229, A bill to be entitled "An Act to amend Article 722 of the Revised Civil Statutes of the State of Texas of 1925; providing that the issuance of certain bounty bonds shall be based upon and limited by the taxable values of the county, and declaring an emergency."

Have had same under consideration, and I am instructed to report

same back with recommendations it do pass and be not printed in lieu of advance printing.

MOORE, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 371, A bill to be entitled "An Act providing for and directing the taxation of mineral rights in public school lands sold by the State with a mineral reservation against the owner while said lands are under lease by the owner of the soil as the State's agent, providing the means and manner thereof, and for back assessments and collections, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 233, A bill to be entitled "An Act to amend Article 2829, Revised Civil Statutes of Texas, providing for giving of bond, by county depository, for school funds, by providing for giving security in lieu of bond, in same manner as provided for qualification of county depository."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendment;

Amend the caption by striking out the period after the word "depository" in the last line of the caption, and add the following: "and declaring an emergency."

Amend the bill by adding a new section as follows:

"Section 1-A. In the event depositories have been selected at the time of adoption of the above provision, such depository or depositories may, at option, secure said school fund by approved securities other than by personal bond."

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 237, A Bill to be entitled "An Act authorizing counties, acting through their commissioners' courts, to purchase seed to be planted on farms in such counties by residents thereof, who are poor and unable to procure same and to purchase feed for the work stock of such residents, etc."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute hereto attached do pass in lieu thereof.

CUNNINGHAM, Chairman.

By Cunningham. S. B. No. 237.

A BILL

To Be Entitled

An Act authorizing counties, acting through their commissioners' courts, to purchase seed to be planted on farms in such counties by residents thereof, who are poor and unable to procure same and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations, by which such seed and feed will be furnished said residents of the counties who are poor and unable to procure the same; authorizing counties to use their general funds for this purpose, where they have such funds; authorizing them to issue warrants against such funds if such counties will have the same when the taxes for the years 1930 and 1931 are collected; conferring certain powers and prescribing certain duties, relative to the administration of this Act, on the commissioners' courts and the county clerks of the various counties of the State; defining the terms of the application and the contract by which residents of the counties acting within the purview of this Act may obtain seed and feed hereunder, and providing for the payment therefor by such persons; conferring certain power and authority upon the county tax



collectors and county attorneys relative to the administration of this Act; defining and creating certain offenses for violations of the terms of this Act, and providing punishment therefor; stating when operation may be commenced under this Act and when the distribution of seed and feed hereunder shall cease; making an appropriation for carrying out the purposes of this Act; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The counties of this State shall have authority to expend their general funds for the purpose of purchasing seed to be planted by residents of such counties during the year 1931 and of supplying feed for work stock of the residents of such counties who are poor and unable to procure such feed during the year 1931; provided, however, that not more than sufficient seed for sixty acres of land shall be furnished to any one person or one household, and not more feed shall be furnished to any one person or household than is sufficient for work stock to work sixty acres of land.

Sec. 2. All persons entitled to seed and feed for stock and wishing to avail themselves of the benefits of this Act shall file with the county clerk of the county where such applicant resides, on or before the first day of September, 1931, an application duly sworn to before some officer authorized to administer oaths. Said application shall contain a true statement of the number of acres the applicant intends to plant; how many bushels or pounds and the kind and character of seed he will require to seed his ground, and the number and kind of work stock he intends to work on such land; said application shall show that the applicant has not procured and is not able to procure the necessary seed and feed for the current year; that he desires such seed and feed for no other purpose than that specified in this Act, and that he will not sell or store the same or any part thereof, but will use the same and the whole amount thereof in planting and working the crops on the lands specified in his application. Said application shall also set forth the location and ownership of lands which the applicant expects to

work. The application shall also contain a true and full description of all the real and personal property owned by the applicant and all incumbrances and liens thereon. He shall also state what, if anything, he owes, and to whom, and the amount thereof, and said applicant shall further state the length of time he has resided in said county and the Post Office address of his former residence. All applications filed under the provisions of this Act shall be consecutively numbered, and shall be open to public inspection; and no application shall be considered by the board of county commissioners except such as have been made and filed in the manner prescribed in this section. All applications shall be on forms prescribed and furnished the counties operating hereunder by the Governor of Texas.

Sec. 3. Any person making a false statement in such sworn application shall be guilty of false swearing, and shall be punished as prescribed for that offense in the Penal Code of this State. Any person obtaining aid by any false statement in such application, or in aid thereof, shall be deemed guilty of swindling, and shall be punished therefor as prescribed in the Penal Code of this State for the offense of swindling.

Sec. 4. The county commissioners' court of each county operating under the provisions of this Act shall examine and pass upon all such applications, and may require such additional proof of any of the facts stated therein as may be necessary to make them cognizant of the real facts. If they approve an application, they shall direct the issuance of such grain and feed to the applicant as they may deem sufficient and consistent with the necessities of other applicants and the ability of the county to respond to the valid demands made upon it under this Act; they may direct the issuance of additional seed and additional feed stuff to any applicant, from time to time, when they deem it necessary and consistent with the conditions that confront them.

Sec. 5. The county clerk of each county shall, as soon as the county commissioners shall have approved an application, issue to such applicant an order for the number of bushels or pounds of each kind of

seed, and the amount and kind and character of feed which has been allowed said applicant, unless otherwise directed by the commissioners, or by the county judge, acting for them; provided however, that such order shall not be delivered to the applicant until he shall have signed a contract in duplicate attested by the county clerk, to the effect that said applicant for and in consideration of the seed and feed furnished him, which shall be described in such contract, the applicant promises to pay to said county the amount of the costs of same, which shall be therein specified, together with ten per cent of attorney's fees if suit should be brought on the same. The amount of such indebtedness shall become due and payable on the thirty-first day of December, A. D. 1931, together with five per cent interest per annum from the date of such contract. The contract shall be on forms prescribed by the Attorney General.

Sec. 6. On the delivery of such contract to the county clerk, he shall file the duplicate thereof as chattel mortgages are filed, and the county shall thereby acquire a just and valid lien upon the crops grown by such applicant which are planted from the seeds thus purchased or worked with work stock, for which such feed was advanced; said contract shall be a valid lien as against all creditors, purchasers or mortgages thereafter and against all liens of any kind or character, whether in good faith or otherwise, and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid.

Sec. 7. The original of said contract shall be delivered to the tax collector, whose duty it shall be to collect the same when due, and pay same to the county; provided said collector shall receive one per cent of the amount collected to be accounted for as fees of office. If the amount due is not paid to collector, then he shall deliver the contract to the county attorney, who shall bring suit thereon, and for foreclosure of all liens, and shall receive for his services the ten per cent attorneys fees when collection is made; pro-

vided that the county may make use of garnishment, attachment or sequestration proceedings; provided, however, that the commissioners' court shall have authority to extend the time of payment on any amount due under the contract, upon such terms as may be agreed upon, provided, approved security is furnished; any renewal of the contract shall be a lien against the contractor's crops wherever planted, in the same manner as in the first instance, but a copy of the renewed contract must be filed as in the first instance.

Sec. 8. Any person or persons who shall, contrary to the provisions of this Act, sell, transfer, take or carry away, or in any manner dispose of the seed or feed, or any part thereof, furnished under this Act, or shall use or dispose of same or any part thereof for any other purposes than those stated in his application except under the direction of the commissioners' court, shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail for any time not more than ninety days, or by both such fine and imprisonment.

Sec. 9. The county commissioners of every county operating under this Act shall advertise their purpose to distribute feed and seed hereunder for ten days in some newspaper published in the county prior to the date when they shall begin such distribution, or if no newspaper is published, then by notice posted at the usual place in the courthouse. Said advertisement or notice shall contain a provision distribution will be made at a time stated therein.

Sec. 10. If more seed and feed is applied for than can be supplied by the commissioners under the provisions of this Act, then, as near as may be, considering all the facts and circumstances a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this Act, taking into consideration the acreage and necessities of each applicant. The commissioners shall have the right to refuse any application which they may deem improper to grant, and may revise their adjustment on applications at any time before distribution.

Sec. 11. With the funds provided under this Act, it shall be the duty of the commissioners to purchase seed and feed at the lowest price at which the same can be obtained, to store and care for the same until called for, and to furnish the same to applicants at the actual cost thereof, which shall include transportation, storage, insurance, handling, and any other necessary charges, if any; provided, that in the purchase of planting seed the feed herein provided for, the commissioners' court may first make application to the Commissioner of Agriculture for assistance in the purchase of these commodities, and that all the facilities of said Department shall be at the service of different counties which are making use of the funds provided for by the provisions of this Act, to the end that said commodities may be purchased at the smallest possible cost. Provided that before any commissioners' court shall purchase any such seed, at least five days notice shall be given calling for bids in a paper published at least twenty months in said county, and provided, further, that said counties desiring to purchase seed, can, through the Commissioner of Agriculture, purchase the same in one quantity in order to get the best price possible.

Sec. 12. In case a county does not have the actual funds in hand, it may issue warrants against its general funds due from taxes for the current year, which warrants shall be paid when such taxes are collected and which may bear such rate of interest as may be fixed by the commissioners' court.

Sec. 13. Operation under this Act, including the distribution of seed and feed in preparation for the crop year of 1931, may begin as soon as this Act becomes effective.

Sec. 14. The fact that there has been an unprecedented drought in some West Texas counties as well as some of the other counties in this State, which has practically ruined every farmer, and which is causing starvation of the farmers and abandonment of the farms, and the fact that unless some relief is granted the farms will not be productive and the tillers of the soil heretofore in said sections of the state, will be charges on the State. All of which has caused a state of strife and con-

sternation in said sections, which situation can only be relieved as it was by the Legislature of the Fourth Called Session of the 35th Legislature of the State of Texas, creates an emergency and an imperative public necessity, which requires that the constitutional rule which provides that bills shall be read on three several days be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage; and it is so enacted.

**BY ALFRED E. SMITH:**

**Former New York governor comments on use of autos and their influence on state highway building; broad viewpoint needed in dealing with road problem.**

Ordered printed in the Journal on motion of Senator Woodul.

New York people who have seen most of their own state think nothing of motoring across the United States. On the main highways to Florida in the early part of January you will see as many autos with New York, New Jersey or Massachusetts licenses as those of any one of the states through which they pass. Good roads, the auto, and the motor truck have entirely changed the customs and the living habits of people, and instead of seeking their recreation in a single place as they were compelled to years ago, the whole United States is now opened up to them.

Every new development seems to put a duty upon the government before the people themselves can derive the full benefit from it. The advent of the airplane makes necessary the municipal landing port within reasonable distance of the destination of the plane.

Twenty-five years ago, the beginning of the popular use of the auto brought government to the point of recognizing the necessity for good roads. Prior to that time, we had macadam and stone roads. They had supplanted the gravel roads and the gravel roads in turn had supplanted the dirt roads. Macadam roads were built by the simple process of spreading broken stone rolled and ground into place. There is no doubt that they probably met the needs of horse drawn vehicles, but they broke down completely upon the arrival of the auto.

It is fair to say that 25 years ago, when the states were planning their first extended highway system, nobody could foresee the growth in the number of autos. Certainly nobody contemplated the number of motor trucks that were to use these roads.

The main arteries of travel, when originally designed, were so narrow as to prove totally inadequate later. The first highways in New York state on the main lines of travel were only 18 feet wide. So tremendous has been the growth of travel that highway engineers now are generally in accord with the idea that roads should be 44 feet wide, divided into four lanes, each lane distinctly marked, the two side lanes being 12 feet wide to accommodate trucks and other slow moving vehicles, the inside lane being 10 feet in width. Few highways, however, have been built with these widths, except possibly around Detroit, and in the counties of New York state bordering New York City and Buffalo, where these particular highways are being widened by state appropriation to meet the demands of traffic.

Looking to the future it might be well for the authorities of the various states to plan rebuilding of bridges on improved highways so they will be twice the width of the road. I say looking to the future because undoubtedly the time will come when even the 44-foot road will not meet requirements. It is always easy to add another 10 feet to the side of the road, but a bridge, once constructed, cannot be widened, except at probably a greater cost than the construction of an entirely new one.

One of the important obstacles to highway construction is always the question of cost, which in the last analysis must be borne by taxation. In New York state we pay for a certain amount of highway construction, and, of course, for the maintenance of highways out of current revenues. But in 1906 when the whole state boasted only a few macadam roads and most of the roads were the old type country roads that were impassable during the wet weather or during the spring thaw, it became apparent that auto travel was increasing rapidly and making a great demand on the highway system. The state bonded itself at that

time for \$50,000,000 by vote of the people to construct a state system of improved highways.

I have never favored paying for public improvements which have life extending over a period of years out of current revenues.

It has never seemed right to me to make one generation pay entirely for the benefits which are to be enjoyed by several generations to follow. When the proposal for the bond issue was argued in the state senate the real reason for making such a large bonded appropriation became apparent. Only by the assurance of the availability of a large sum of money over a period of years could you be sure of continued appropriations of public money to carry out the system. Obviously, the failure to make continued provision for the work might make the work already begun a total loss. The recent unemployment situation shows many projects all over the country begun and then allowed to lie idle for years, waiting for the appropriations of additional public money or sometimes abandoned altogether because of cost.

Every executive likes to make a record of economy, but usually has to do it at the expense of some necessary public improvement. The first \$50,000,000 bond issue appropriated by New York for state highways was expended in 1912, and in that year the people approved an additional appropriation of the same amount of money so that the building of the highway system was carried on without interruption. The revenues of the state are sufficient now to make a definite annual appropriation for new highways of over \$35,000,000, likewise the federal government's appropriation for road construction runs between \$75,000,000 and \$100,000,000 and is apportioned to the various states which meet it with like amounts. The higher figure was reached because of an endeavor to make construction of new highways aid unemployment.

I believe that every state in the union will receive back in increased realty values and in the promotion of trade and commerce every single dollar that is expended on modern highway construction.

Improved highways in the State of New York have opened up the Adirondack and Catskill Mountains,

and in fact every part of the state, to a larger number of people than could ever possibly visit them by means of the railroad. I was a member of the legislature eight years before I saw Lake George, I never had any reason to go by rail, but pleasure-riding in autos brings all of these places close to everybody.

My first visit to the Adirondack Mountains was in 1899, when I went to a summer school at Lake Champlain with an amateur theatrical company. I had fixed the Adirondack Mountains in my mind as being so far away from New York that in all probability I would never get a second look at them. After traveling by boat to Albany, it took a whole day to get to Plattsburg. In recent years, during my tours of inspection, I have left Albany in the morning in an auto and played golf at Lake Champlain that afternoon.

All this has brought business and trade to sections of the country which before the advent of good roads and the autos were not known to people generally. As you ride through the country parts of the United States today, the sign that most frequently greets your eye is "Tourists Accommodated." That has given to the people of the country an opportunity to share in the wealth produced by the use of the auto. Lunch stations, places of scenic and historic interest and the park systems are all made accessible. To continue this growth and meet it adequately so that the states will benefit from it, there must be a system of improved hard roads in every state that will stand up under the traffic and promote the growth of the community.

In olden times when the old horse and carriage were in order it took a half day to go down to Coney Island. I remember the old dirt road which afterward became Ocean Parkway. Following the horse and wagon came the bicycle, and then the auto. With daylight saving, shop and factory workers can leave for Coney Island and be in swimming in less than an hour after they leave Manhattan. New York state's great system of parks, spread out from Niagara Falls to Montauk Point,

would not be of much use to city dwellers without the auto and the auto would be useless without the improved state road.

When I was a boy all the fruit and produce grown on Long Island was brought into Queensboro by rail and car-floated by rail around the harbor of New York into the various piers to reach the markets where they were sold, necessitating about four handlings of the product. Today, the modern truck, in less time than it took to car-float the produce, brings it directly from the farm to the market in a single handling. This is an efficiency and an economy that is definitely traceable to the benefits of improved highways. That experience is being duplicated throughout the country. One of the largest single elements of costs of commodities of today is transportation. Anything that tends to cheapen it reflects benefit in everyday family life.

I have always felt that federal aid to the states for highways was a good thing. The backward state that is unwilling to appropriate its own funds for its own highway construction finds itself contributing to the good roads of the other states through the agency of the federal government. It is unquestionably the duty of the strong states to help the weak ones. In states where distances are great, and the population comparatively small, as Kansas, Nebraska, Colorado, Montana, Wyoming, you pass through large areas of territory where there is little wealth. Just as the small village is sometimes assisted by the county or the state, so some of these less affluent states must be assisted by the federal government to improve their highway system. It is no satisfaction to the man who desires to cross the continent to have spread out in front of him every now and then a few hundred miles of impassable roads. In the construction of highways, it is necessary to take the broad viewpoint that the United States belongs to us all and what improves the values or promotes the growth to one locality is reflected in others.